

1 H. CHRISTIAN L'ORANGE (State Bar No. 71730)  
2 S. FEY EPLING (State Bar No. 190025)  
DRINKER BIDDLE & REATH LLP  
2 50 Fremont Street, 20th Floor  
San Francisco, California 94105-2235  
3 Telephone: (415) 591-7500  
Facsimile: (415) 591-7510  
4 E-mail: christian.lorange@dbr.com  
E-mail: Fey.epling@dbr.com

5 Attorneys for Plaintiff  
6 AXA EQUITABLE LIFE INSURANCE COMPANY

7 UNITED STATES DISTRICT COURT OF CALIFORNIA  
8 SOUTHERN DIVISION

10 AXA EQUITABLE LIFE INSURANCE  
11 COMPANY,

12 Plaintiff,

13 v.

14 H. THOMAS MORAN, II, Court-  
15 Appointed Receiver of LYDIA CAPITAL,  
LLC, and DAWSON & OZANNE, as  
16 Trustee of the Alvin Fischbach Irrevocable  
Trust,

17 Defendants.

18 Case No. 3:08-cv-00569-BTM-BLM

19  
20  
21  
22  
23  
24  
25  
**JOINT MOTION FOR EXTENSION OF  
TIME FOR DEFENDANT DAWSON &  
OZANNE TO ANSWER OR  
OTHERWISE RESPOND TO  
PLAINTIFF AXA EQUITABLE LIFE  
INSURANCE COMPANY'S  
COMPLAINT**

26 Plaintiff, AXA Equitable Life Insurance Company ("AXA Equitable"), and  
27 Defendant, Dawson & Ozanne, hereby submit this Joint Motion for Extension of Time  
28 for Defendant Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff's  
Complaint, and in support thereof, aver as follow:

1. On March 26, 2008, AXA Equitable filed its Complaint against H. Thomas  
2 Moran, II, Court-Appointed Receiver of Lydia Capital, LLC, and Dawson &  
3 Ozanne, as Trustee of the Alvin Fischbach Irrevocable Trust.
2. On April 30, 2008, counsel for Dawson & Ozanne signed a Waiver of Service of

1 Summons and agreed to answer or otherwise respond to AXA Equitable's  
2 Complaint by May 27, 2008.

3 3. On May 1, 2008, counsel for Defendant H. Thomas Moran, II, Court- Appointed  
4 Receiver of Lydia Capital, LLC ("Mr. Moran"), provided counsel for AXA  
5 Equitable with information in his possession relating to the underlying claims.  
6 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with  
7 information in its possession relating to the underlying claims.  
8 5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable  
9 intends to amend its Complaint within the next thirty (30) days.  
10 6. Furthermore, in order for AXA Equitable to further evaluate the underlying claims  
11 at issue in light of the exchange of information, AXA Equitable and Dawson &  
12 Ozanne respectfully move this Court for an extension of thirty (30) days for  
13 Dawson & Ozanne to answer or otherwise reply to AXA Equitable's Complaint.  
14 7. Neither AXA Equitable nor Dawson & Ozanne have previously moved for an  
15 extension of time for Dawson & Ozanne to answer or otherwise respond to AXA  
16 Equitable's Complaint.

17       ///

18       ///

19       ///

20

21

22

23

24

25

26

27

28

1           WHEREFORE, AXA Equitable Life Insurance Company and Dawson & Ozanne,  
 2 respectfully request this Court grant their Joint Motion for Extension of Time for  
 3 Defendant Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff's Complaint.

4           Dated: May \_\_, 2008  
 5

6           /s/ James A. Tabb  
 7

8           JAMES A. TABB (SBN 208188)  
 9           McKenna Long & Aldridge LLP  
 10          750 B Street, Suite 3300  
 11          San Diego, CA 92101  
 12          Telephone: (619) 595-5433  
 13          Facsimile: (619) 595-5450  
 14          E-mail: jtabb@mckennalong.com

15          Attorneys for Defendant  
 16          DAWSON & OZANNE  
 17

18           /s/ S. Fey Epling  
 19

20           H. CHRISTIAN L'ORANGE (SBN 71730)  
 21          S. FEY EPLING (SBN 190025)  
 22          Drinker Biddle & Reath LLP  
 23          50 Fremont Street, 20th Floor  
 24          San Francisco, California 94105-2235  
 25          Telephone: (415) 591-7500  
 26          Facsimile: (415) 591-7510  
 27          E-mail: christian.lorange@dbr.com  
 28          E-mail: Fey.Epling@dbr.com

29          Attorneys for Plaintiff  
 30          AXA EQUITABLE LIFE INSURANCE  
 31          COMPANY  
 32

33           *Of Counsel*

34          STEPHEN C. BAKER  
 35          STEPHEN A. SERFASS  
 36          JARROD D. SHAW  
 37          DRINKER BIDDLE & REATH LLP  
 38          One Logan Square  
 39          18th & Cherry Streets  
 40          Philadelphia, PA 19103-6996  
 41          Telephone: (215) 988-2700  
 42